Notice of Allowability	Application No.	Applicant(s)
	10/690,926	SHIRK, R. KEVIN
	Examiner	Art Unit
	Hugh B. Thompson II	3634
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. X This communication is responsive to Amendment of 7-14-05 and Telephone Interview of 7-21-05.		
2. 🔀 The allowed claim(s) is/are <u>1-16</u> .		
3. 🔀 The drawings filed on <u>22 October 2003</u> are accepted by the Examiner.		
 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 		
 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of 		
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ⊠ Interview Summary Paper No./Mail Dat 8), 7. ⊠ Examiner's Amendr	te <u>7-21-05</u>



Application/Control Number: 10/690,926

Art Unit: 3634

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Karl Steins on July 21, 2005.

The application has been amended as follows:

Claim 1, lines 1-2, before "said", --each of-- has been inserted, and "a wall" has been changed to --walls--.

Claim 1, line 5, "attached to said wall" has been changed to --attachable to said walls--.

Claim 11, lines 7-8, "an external wall" has been changed to --external walls--.

Claim 11, lines 8-9, "attached to the wall" has been changed to --attachable to the walls--has been inserted.

The following is an examiner's statement of reasons for allowance: the primary reason for the allowance of claims 1 and 11 is the inclusion of elastic strut members, each strut member having a base portion attachable to the wall and a resilient member interconnecting the base portion and the strut side of the respective hinge post, and a hinge means for permitting angular movement between the gate and respective hinge post, the means disclosed as being a flanged insert defined by a bore portion and a flanged portion, the flanged insert insertable into a hinge

Application/Control Number: 10/690,926

Art Unit: 3634

insert bore of the hinge post. The prior art of record fails to teach or suggest the claimed features

Page 3

absent the applicant's own disclosure.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-

6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hugh B. Thompson II

Primary Examiner

Art Unit 3634

July 21, 2005